

LIBELED: 10-19-61, Dist. Mass.

CHARGE: 402(a) (1)—when shipped, the article contained an added deleterious substance, namely, iron fragments, which may have rendered it injurious to health.

DISPOSITION: 12-6-61. Default—destruction.

CHOCOLATE, CONFECTIONERY, AND RELATED PRODUCTS

CHOCOLATE AND COCOA

27771. Hershey's instant cocoa mix. (F.D.C. No. 47235. S. Nos. 17-691 T, 57-908/10 T.)

QUANTITY: 222 cases, 24 ½-lb. cans each, 856 cases, 12 1-lb. cans each, and 282 cases, 12 2-lb. 6-oz. cans each, at Cincinnati, Ohio.

SHIPPED: Between 7-5-61 and 3-1-62, from Hershey, Pa., by Hershey Chocolate Corp.

LABEL IN PART: (Can) "Instant Hot or Cold Hershey's Instant Cocoa Mix Rich Chocolate Flavor Now Fortified with Vitamins B₁, C, D₂, and Iron * * * Hershey Chocolate Corp., Hershey, Pa."

LIBELED: 3-12-62, S. Dist. Ohio.

CHARGE: 403(a)—when shipped, the label bore false and misleading representations that the article was adequate and effective to promote sound nerves, stimulate digestion, promote sound teeth, healthy gums, and body tissues; promote growth of children, and to cause the blood and body cells to release energy.

DISPOSITION: 3-30-62. Consent—claimed by Hershey Chocolate Corp., and released under bond for relabeling.

27772. Chocolate-covered cherries. (F.D.C. No. 47190. S. Nos. 5-039 T, 5-442/3 T.)

QUANTITY: 73 cases, 24 pkgs. each, at Halethorpe (Baltimore), Md.

SHIPPED: Between 1-19-62 and 2-21-62, from New York, N.Y., by Bianchi Co.

LABEL IN PART: (Pkg.) "Cella's 100% Liquid Centers Rich Chocolate Covered Cherries Net Wt. 5 Ozs. Mfg. by The Bianchi Co., New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-7-62, Dist. Md.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-5-62. Default—delivered to charitable institutions.

CONFECTIONERY

27773. Roxbury brand candies. (F.D.C. No. 46414. S. Nos. 61-312/17 R.)

QUANTITY: 56 cases, 24 bags each, of Chocolate Stars; 174 cases, 24 bags each, of Swedish Mints; 68 cases, 24 bags each, of Butterscotch Balls; 256 cases,

12 bags each, of Chicken Bones; 42 cases, 24 bags each, of Licorice Mix; and 199 cases, 24 bags each, of French Burnt Peanuts, at Bellevue, Wash. SHIPPED: Between 5-22-61 and 8-11-61, from San Jose, Calif., by Safeway Stores Candy Plant.

LABEL IN PART: (Bag) "Net Wt. 7 Oz. * * * Chocolate Stars [or "Net Wt. 11 Oz. * * * Swedish Mints" or "Net Wt. 9 Oz. * * * Butterscotch Balls" or "Net Wt. 8 Oz. * * * Chicken Bones" or "Net Wt. 12 Oz. * * * Licorice Mix" or "Net Wt. 9½ Oz. * * * French Burnt Peanuts"] * * * Safeway Stores, Incorporated Oakland, Calif."

RESULTS OF INVESTIGATION: Examination showed that the mandatory information required to appear on the label was printed on clear cellophane bags in ink of a color similar to the articles in the bags, making it difficult to read.

LIBELED: 8-29-61, W. Dist. Wash.; amended 8-31-61.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1), (e) (2), and (i) (2) to appear on the label, namely, name and address of manufacturer, packer, or distributor, quantity of contents, and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 12-11-61 and 12-21-61. Consent—claimed by Safeway Stores, Inc., Oakland, Calif. The bags of Licorice Mix were denatured for use as animal feed; the French Burnt Peanuts were delivered to a charitable institution; the remainder of the articles were relabeled.

27774. Candy. (F.D.C. No. 47391. S. Nos. 43-755/60 T.)

QUANTITY: 129 30-lb. cases, and 10 ctns., 24 15-oz. bags each, of Jelly Eggs; 13 26-lb. cases, and 26 ctns., 12 7-oz. bags each, of Nonpareils; 10 22-lb. cases, and 16 ctns., 12 7-oz. bags each, of Foil Mints; 15 25-lb. cases, and 1 ctn., containing 24 6-oz. bags, of Choco Kisses; 22 bulk cases, and 6 ctns., 12 5-oz. bags each, of Trophy Sticks; and 19 12½-lb. cases, and 2 ctns., 12 7-oz. bags each, of Malted Milk Eggs, at Camden, N.J., in possession of Kane's Kandies.

SHIPPED: Between 11-15-61 and 2-20-62, from Chicago and Melrose Park, Ill.; Elizabethtown, Reading, and Hershey, Pa.; and Albany, Ga.

LABEL IN PART: (Bag) "Kane's Kandies Jelly Eggs [or "Nonpareils" or "Foil Mints" or "Choco Kisses" or "Asst. Sticks" or "Malted Milk"] * * * Kane's Kandies Camden, N.J."

RESULTS OF INVESTIGATION: The articles were repacked by the dealer, from bulk stock shipped as described above, into transparent cellophane bags, on which the name of the candy, quantity of contents, and ingredients statements were over stamped with a white, soft crayon-like substance which was easily rubbed off, resulting in blurred statements which were nearly illegible in most cases. The name and address of the repacker was printed on the back of the bag in all cases except the Trophy Sticks.

LIBELED: 3-21-62, Dist. N.J.

CHARGE: 403(f)—while held for sale, the information required by 403(e) (1) (all lots except Trophy Sticks) and (all lots) 403 (e) (2) and (i) (2), to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents statement, and the common or